

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal documents submitted in connection with Defendant's Motion for Leave to File a Supplemental Reply in Support of its First Motion to Compel. Specifically, Plaintiff seeks to seal Defendant's proposed supplemental reply, Exhibits 1, 4, 6, and 7 to the proposed supplemental reply, and Plaintiff's response in opposition to Defendant's motion on the ground they "contain sensitive business and technical information concerning Syngenta's . . . confidential agreements between Syngenta Group entities and third parties, Syngenta's confidential testing of an Atticus product, analysis of Syngenta's manufacturing process, and the private email address of an employee from a different Syngenta Group entity.." (Mot. Seal [DE #164] at 1.)

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231

(4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Plaintiff's Motion to Seal [DE #164] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE ##132, 132-1]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Jeff Cecil [DE #165-3];

b. Exhibit 1 to Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE #132-2]. A redacted version of this filing is attached as Exhibit 2 to the Declaration of Jeff Cecil [DE #165-4].

c. Exhibit 4 to Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE #132-3].

d. Exhibit 6 to Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE #132-4]. A redacted version of this filing is attached as Exhibit 3 to the Declaration of Jeff Cecil [DE #165-5].

e. Exhibit 7 to Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE #132-5]. A redacted version of this filing is attached as Exhibit 4 to the Declaration of Jeff Cecil [DE #165-6].

f. Plaintiff's Response in Opposition to Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE #162].

A redacted version of this filing is attached as Exhibit 5 to the Declaration of Jeff Cecil [DE #165-7].

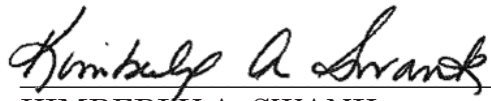
2. The clerk is directed to UNSEAL the following provisionally sealed documents:

a. Defendant's Motion for Leave to File a Supplemental Reply in Support of its First Motion to Compel [DE #139];

b. Defendant's Proposed Order granting Defendant's Motion for Leave to File a Supplemental Reply in Support of its First Motion to Compel [DE #132-7];

c. Exhibit 8 to Defendant's Proposed Supplemental Reply in Support of its First Motion to Compel [DE #132-6].

This 26th day of June 2021.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge